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ATTORNEYS FOR PLAINTIFF JOHN KESSLER,
ADMINISTRATOR OF THE ESTATE OF RUTH HAWKINS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOHN KESSLER, ADMINISTRATOR OF
THE ESTATE OF RUTH FOUND
HAWKINS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. C-06-07492-RS

STIPULATION AND ~~PROPOSED~~ ORDER
RE: BRIEFING SCHEDULE ON
PLAINTIFF'S PARTIAL MOTION FOR
SUMMARY JUDGMENT AND
DEFENDANT'S CROSS-MOTION FOR
SUMMARY JUDGMENT

Plaintiff John Kessler, Administrator of the Estate of Ruth Found Hawkins, and
Defendant the United States of America, by and through their undersigned counsel, hereby
stipulate as follows:

1. WHEREAS Plaintiff intends to file a partial summary judgment and Defendant
anticipates filing a cross-motion for summary judgment;

2. WHEREAS a hearing on such motions is scheduled for February 27, 2008;

3. WHEREAS the parties have agreed to a briefing schedule for such motions;

4. WHEREAS the parties intend to enter into settlement negotiations, which may
dispense with the need for a determination with respect to the parties' intended motions;

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1 5. WHEREAS the parties have previously agreed to two time modifications relating
2 to the filing of pleadings on Defendant's motion for summary judgment and Defendant has only
3 requested an extension of time in this matter with respect to the initial status conference;

4 6. WHEREAS the stipulated briefing schedule will not affect the Court's calendar
5 because all the pleadings will be filed in advance of the deadlines imposed by the Federal Rules
6 of Civil Procedure;

7 IT IS PROPOSED AND STIPULATED:

8 The date set for Plaintiff to file his motion for summary judgment or partial summary
9 judgment is January 10, 2008. The date set for Defendant to file its opposition to Plaintiff's
10 motion for summary judgment or partial summary judgment, as well as a cross-motion for
11 summary judgment, is January 25, 2008. Plaintiff's reply to Defendant's opposition to his
12 motion for summary judgment or partial summary judgment, as well as Plaintiff's opposition to
13 Defendant's cross-motion for summary judgment, will be due February 1, 2008. Defendant's
14 reply to Plaintiff's opposition is due February 8, 2008. The hearing on both the motion for
15 summary judgment and the cross-motion for summary judgment will be held on February 27,
16 2008.

17 IT IS SO STIPULATED.

18 DATED: JANUARY 9, 2008

BERLINER COHEN

20 BY: /S/ HEATHER H. MUNOZ

HEATHER H. MUNOZ

21 ATTORNEYS FOR PLAINTIFF JOHN KESSLER,
22 ADMINISTRATOR OF THE ESTATE OF RUTH
23 FOUND HAWKINS

24 DATED: JANUARY 9, 2008

UNITED STATES ATTORNEY

25 BY: /S/ THOMAS M. NEWMAN

THOMAS M. NEWMAN

26 ATTORNEYS FOR DEFENDANT THE UNITED
27 STATES OF AMERICA

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 1/10, 2008

BY: 
RICHARD SEEBORG
UNITED STATES MAGISTRATE JUDGE